REMARKS

As discussed below, Applicants have amended Claim 6 to limit the compounds of component (b) to the triazoles of formula (IV-a) (i.e., triadimenol), (IV-b) (i.e., tebuconazole), or (IV-c) (i.e., prothioconazole) and have accordingly amended Claim 7 to recite only the relevant weight ratio ranges. The amended claims remain fully supported in the specification.

Restriction Requirement under 35 U.S.C. 121

The Office Action requires restriction to one of the following groups:

Group I: Claims 6-9, drawn to a fungicidal composition and method wherein compound of formula (I) is combined with carboxamides (b)(1), (b)(8), and (b)(9)

Group II: Claims 6-9, drawn to a fungicidal composition and method wherein compound of formula (I) is combined with strobilurins (b)(2)

Group III: Claims 6-9, drawn to a fungicidal composition and method wherein compound of formula (I) is combined with triazoles (b)(3)

Group IV: Claims 6-9, drawn to a fungicidal composition and method wherein compound of formula (I) is combined with phenylurea (b)(4)

Group V: Claims 6-9, drawn to a fungicidal composition and method wherein compound of formula (I) is combined with chlorophthalide (b)(5)

Group VI: Claims 6-9, drawn to a fungicidal composition and method wherein compound of formula (I) is combined with hydrazine (b)(6)

Group VII: Claims 6-9, drawn to a fungicidal composition and method wherein compound of formula (I) is combined with benzothiazole (b)(7)

Group VIII: Claims 6-9, drawn to a fungicidal composition and method wherein compound of formula (I) is combined with quinolone (b)(10)

Group IX: Claims 6-9, drawn to a fungicidal composition and method wherein compound of formula (I) is combined with dithiolane (b)(11)

Group X: Claims 6-9, drawn to a fungicidal composition and method wherein compound of formula (I) is combined with phosphorus compound (b)(12)

Group XI: Claims 6-9, drawn to a fungicidal composition and method wherein compound of formula (I) is combined with iminoglycine (b)(13)

For groups such as I, II, and III in which the component (b) encompasses more than one specific compound, the Office Action also requires an election of a single disclosed species from the elected group for the purpose of initial examination.

Applicants elect Group III of the Office Action, which includes Claims 6-9 in which the compound of formula (I) is combined with the triazoles triadimenol, tebuconazole, or prothioconazole. Applicants have amended their claims in accordance with this election but reserve the right to file one or more divisional applications directed to the non-elected subject matter.

Applicants also elect the species represented by the compound of formula (I) combined with prothioconazole of formula (IV-c). Applicants note by way of comment that their specification includes test data in Table 2 of Example 2 (see substitute specification at pages 28-30, particularly page 30) showing unexpectedly enhanced fungicidal activity of mixtures of the compound of formula (I) and prothioconazole. This election is without traverse to the extent that it is understood that (a) the restriction requirement will be withdrawn upon the finding of an allowable genus and (b) any species withdrawn from consideration will be transferred to the elected subject matter unless it is found patentably distinct from the elected or allowed claims. Applicants note with respect to the species election that triadimenol, tebuconazole, and prothioconazole are all triazole fungicides (also known as conazole fungicides) that operate by the same sterol biosynthesis inhibition mode of action. See, for example, the classification charts available online at the Fungicide Resistance Action Committee web site at http://www.frac.info/frac/index.htm under the heading "2009 FRAC Mode of Action Poster" (low resolution copy of which is attached for the convenience of the Examiner). Applicants therefore request that embodiments in which component (b) can be triadimenol, tebuconazole, and prothioconazole be joined for examination.

In view of the preceding amendments and remarks, allowance of the claims is respectfully requested.

Respectfully submitted,

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Mode of Action of Fungicides

FRAC classification on mode of action 2009 (www.frac.info)

A: Nucleic Acid Synthesis

A1: RNA synthesis
▸ RNA polymerase I

A2: purine metabolism
▸ adenosin-deaminase

A3: DNA / RNA synthesis (prop.)

A4: DNA supercoiling
▸ DNA topoisomerase type II (gyrase)

B: Mitosis and Cell Division

B1: ▸ ß-tubulin assembly in mitosis

B2:
▸ ß-tubulin assembly in mitosis*

B3:
▸ß-tubulin assembly in mitosis

B4:
cell division (prop.)

B5:
delocalisation of spectrin-like proteins

C: Respiration

C2: inhibition of complex II:
▸ succinate-dehydrogenase

C3: inhibition of complex III
▸ cytochrome bc1 (ubiquinol oxidase) at Qo site (*cyt b gene*)

C: Respiration

C1: inhibition of complex I
NADH Oxido-reductase

C4: inhibition of complex III
▸ cytochrome bc1(ubiquinone reductase) at Qi site

C5: uncouplers of oxidative phosphorylation

C6: inhibitors of oxidative phosphorylation, ATP synthase

C7: ATP production (prop.)

D: Amino Acid and Protein Synthesis

D1: methionine biosynthesis (cgs gene) (prop.)

D2:
protein synthesis

D3:
protein synthesis

D4: protein synthesis

D5: protein synthesis

E: Signal Transduction

E1: G-proteins in early cell signalling (prop.)

E2: Osmotic signal transduction
▸MAP / histidine- kinase (os-2, HOG1)

E3: Osmotic signal transduction
▸MAP / histidine kinase (os-1, Daf1)

F: Lipid and Membrane Synthesis

F2: phospholipid biosynthesis
▸ methyltransferase

F3: lipid peroxidation (prop.)

F4: cell membrane permeability, fatty acids (prop.)

F5: phospholipid biosynthesis and cell wall deposition (prop.)

F6: microbial disrupters of pathogen cell membranes

G: Sterol Biosynthesis in membranes

G1: Sterol Biosynthesis Inhibitor (SBI) class I: DMI fungicides
▸C14 demethylase (erg11/cyp51)

G2: SBI class II: Amines
▸ Δ^{14}-reductase (erg24) and $\Delta^8 \rightarrow \Delta^7$-isomerase (erg2)

G3: SBI class III:
hydroxyanilides
▸3-keto reductase in C4-demethylation

G4: SBI class IV:
▸ squalene epoxidase

H: Glucan Synthesis

H3: trehalase and inositol biosynthesis

H4: chitin synthesis
▸ chitin synthase

I: Melanin Synthesis in Cell Wall

I1: ▸ reductase in melanin biosynthesis

I2: ▸ dehydratase in melanin biosynthesis

P: Host Defence Inducer

P1: salicylic pathway

P2:

P3:

P4: (proposed)

M: Multi Site Action

Unknown Mode of Action

U: Recent Molecules*

NC : Not Classified

Legend:

C: Respiration

C2: inhibition of complex II:
▸ succinate-dehydrogenase

FRAC